

PATENT

REMARKS

In the Office Action, claims 1-5 and 21-24 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Number 6,445,949 to Kroll in view of U.S. Patent Number 5,472,453 to Alt. Without addressing the merits of the rejection of claims 1-5 and 21-24, in accordance with the American Inventors Protection Act, the Kroll reference does not qualify as prior art for a rejection under 35 U.S.C. §103(a) via 35 U.S.C. §102(e) because the present application has been filed on or after November 29, 1999 and the subject matter of the Kroll reference and the claims were, at the time the invention was made, subject to an obligation of assignment to the same organization (see section entitled "Obligation of Assignment to the Same Organization"). Accordingly, the Kroll reference no longer qualifies as prior art under 35 USC §103(a) via 35 USC §102(e).

In the Office Action, Applicant is advised that should claims 13 and 18 be found allowable, claims 14 and 19 will be objected to under 37 C.F.R. 1.75 as being a substantial duplicate thereof, respectively. In response thereto, claims 13 and 18 have been cancelled.

In the Office Action, claims 1-5, 7-10, and 21-24 are allowed over the prior art of record.

Accordingly, it is respectfully submitted that claims 1-5, 7-10, 12, 14, 15, 17, and 19-24 are in condition for allowance.

Obligation of Assignment to the Same Organization

Ronald Tamura, an attorney of record for the present application, states that Application Serial Number 10/053,462 and U.S. Patent Number 6,445,949 to Kroll were, at the time the invention of Application Serial Number 10/053,462 was made, owned by Pacesetter, Inc. or subject to an obligation of assignment to Pacesetter, Inc. Submitted herewith are Exhibit A, which is the recorded Assignment for U.S. Patent Number

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6,445,949 and Exhibit B, which is the recorded Assignment for Application Serial Number 10/053,462.

CONCLUSION

In light of the above remarks, it is respectfully submitted that the application is in condition for allowance, and an early notice of allowance is requested.

Respectfully submitted,

4/27/05
Date

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Enclosures: Exhibits A and B

CUSTOMER NUMBER: 36802